

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

DOREL ROMAN

DOCKET NO. 6:07-cv-1516

VERSUS

MAGISTRATE JUDGE HANNA

WESTERN MANUFACTURING, INC. BY CONSENT OF THE PARTIES

RULING ON MOTIONS

(Rec. Docs. 151 and 152)

Before the court are the defendant's motions for stay (Rec. Doc. 151 and 152) and the defendant's motion for extension of time to file appeals (Rec. Doc. 151).

A. THE MOTION FOR EXTENSION OF TIME TO FILE APPEALS

The plaintiff filed a motion for judgment as a matter of law on October 14, 2010 (Rec. Doc. 149), and the defendant filed a motion for judgment as a matter of law on October 15, 2010 (Rec. Doc. 152). Therefore, defendant's motion for extension is governed by Federal Rule of Appellate Procedure 4(a)(4)(A), which provides that, if any party files a motion under Rule 50(b) or Rule 59 of the Federal Rules of Civil Procedure, "the time to file an appeal runs for all parties from the entry of the order disposing of the last such remaining motion." Consequently, both the plaintiff and the defendant in this lawsuit will have 30 days from the date that this

Court rules on either the plaintiff's or the defendant's motion (Rec. Doc. 149 or Rec. Doc. 152), whichever ruling is later, to file an appeal. Accordingly,

IT IS ORDERED that the defendant's motion for extension of time to file appeals (Rec. Doc. 151) is DENIED AS MOOT.

B. THE MOTIONS FOR STAY OF THE EXECUTION OF THE JUDGMENT

The defendant's motion for stay (Rec. Doc. 151) seeks to stay the execution of this Court's judgment (Rec. Doc. 148) until 30 days after this Court issues a ruling on the defendant's motion for judgment as a matter of law (Rec. Doc. 152). Defendant's motion for judgment as a matter of law (Rec. Doc. 152) includes another request for a stay of execution of the judgment. Rule 62(b) of the Federal Rules of Civil Procedure permits this Court to stay the enforcement of a judgment pending disposition of motions under Rule 50(b) or Rule 59 of the Federal Rules of Civil Procedure. As noted above, both the plaintiff and the defendant in this lawsuit have filed motions for judgment as a matter of law under one or the other of those procedural rules. Accordingly,

IT IS ORDERED that the defendant's motion for stay (Rec. Docs. 151) is GRANTED, pending the disposition of the parties' motions for judgment as a matter of law (Rec. Doc. 149 and Rec. Doc. 152);

IT IS FURTHER ORDERED that, to the extent that a motion for stay is included in the defendant's motion for judgment as a matter of law (Rec. Doc. 152), that motion is GRANTED IN PART; and

IT IS FURTHER ORDERED that the execution of the judgment (Rec. Doc. 148) is STAYED, pending the disposition of the parties' motions for judgment as a matter of law (Rec. Doc. 149 and Rec. Doc. 152).

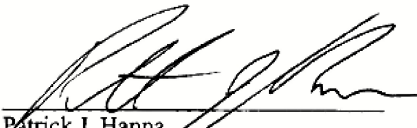
C. HEARING

The defendant included a motion for stay along with its motion for judgment as a matter of law (Rec. Doc. 152). The motion for judgment as a matter of law and the motion to stay are currently set for oral argument before the undersigned on November 24, 2010 (Rec. Doc. 153). In light of this ruling granting Rec. Doc. 152 to the extent that it seeks a stay, there will be no oral argument concerning the motion for stay. However, oral argument will be heard on November 24, 2010 concerning the plaintiff's motion for judgment as a matter of law (Rec. Doc. 149) and the defendant's motion for judgment as a matter of law (Rec. Doc. 152). Accordingly,

IT IS ORDERED that no oral argument will be heard concerning defendant's motions for stay (Rec. Docs. 151 and 152) but oral argument will be heard on

November 24, 2010 (as currently scheduled) with regard to defendant's motion for judgment as a matter of law (Rec. Doc. 152).

Signed at Lafayette, Louisiana, this 27th day of October, 2010.



Patrick J. Hanna
United States Magistrate Judge
800 Lafayette St., Suite 3500
Lafayette, Louisiana 70501
(337) 593-5140 (phone) 593-5155 (fax)